THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9386 OF 2004

DATED:1.9.2005

Between:

Kotagiri Rajashekar, S/o.Late Kotagiri Venkataiah

R/o.H.No.4-1-9 (new), 4-1-1 (old)

Beside S.B.I., I.B. Road, Koratla proper and Mandal

Karimnagar District

…Petitioner

And

The Revenue Divisional Officer, (RDO)

Jagtial Division, Jagtial, Karimnagar District.

and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9386 OF 2004

ORDER:

The petitioner's father was a fair price shop dealer of shop No.2809 of Koratla Village and Mandal. Petitioner's father died on 22.12.2003. During the life time of the dealer, petitioner was assisting his father. Therefore, after death of his father, he filed an application on 19.2.2004 before first respondent to allot fair price shop in his name, in vain. Therefore, he filed the Writ Petition.

When the matter was heard, learned counsel for the petitioner was not able to place

any material which confers a right on legal heir of fair price shop dealer to succeed to authorization. Therefore, the matter was adjourned. When the matter is called today, learned Assistant Government Pleader for Civil Supplies has placed before this Court a decision of this Court in **Meherunnisa Begum v. Mandal Revenue Officer, Machilipatnam**. The said case is concerned with right of legal heir to get the kerosene hawker licence in favour of the legal heir. Following the Division Bench judgment in Writ Appeal No.1210 of 2002, dt.31.10.2002 this Court dismissed the Writ Petition holding that legal heir of kerosene hawker has no enforceable right. The Division Bench observed as under.

> We have already referred to the Division Bench judgment of this Court in Writ Appeal No.1244 of 1999, dated 31.8.1999 wherein it is held that transfer of licence for sale of kerosene is not permissible in law and that a person cannot have a hereditary claim by privilege whatsoever. In our opinion, the licence issued in the name of the respondent writ petitioner's husband cannot be transferred in the name of the respondent writ petitioner as it is against the Government Memos issued in this regard. This apart, it is also a policy decision of the Government and the same being not against public policy, the learned Single Judge has erred in directing the appellants herein to consider the application of the respondent – writ petitioner for transfer of licence in her favour.

Following the Division Bench judgment, the Writ Petition is dismissed as the petitioner has no enforceable right.

_____

(V.V.S.RAO, J)

1.9.2005

bnr